

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDY J. OXENRIEDER QP3860
Full Name of Plaintiff Inmate Number

1 : CV - 23 - 0942

Civil No.

(to be filled in by the Clerk's Office)

v.

TROOP L. SCHUYLKILL
PENNSYLVANIA STATE POLICE HAVEN
Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial Demand

TROOPER BRADLEY TYMCHYSHYN
Name of Defendant 2

THOMAS LEIB
JOHN DOE SERGEANT / COMMISSIONER / SUPERVISOR
Name of Defendant 3

COUNTY OF SCHUYLKILL DISTRICT ATTORNEYS
Name of Defendant 4

MICHAEL A. O'PAKE
Name of Defendant 5

(Print the names of all defendants. If the names of all
defendants do not fit in this space, you may attach
additional pages. Do not include addresses in this
section). SEE NEXT PAGE FOR ADDITIONAL
DEFENDANT.

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

FILED
SCRANTON

JUN 08 2023

PER [Signature]
DEPUTY CLERK

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDY J. OXENRIEDER

Full Name of Plaintiff

Inmate Number

v.

SHALBY G. HOSTETTER

Name of Defendant **6**

Name of Defendant **6**

Name of Defendant **6**

Name of Defendant **6**

Name of Defendant **5**

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. _____

(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial

☐ No Jury Trial Demand

I. NATURE OF COMPLAINT

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☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)

☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

OXENRIDER ANNY J.

Name (Last, First, MI)

QP3860

Inmate Number

SCI HOUTZDALE

Place of Confinement

209 INSTITUTION DRIVE P.O. BOX 1000

Address

HOUTZDALE PA. 16698

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

PENNSYLVANIA STATE POLICE TROOP L. SCHUYLKILL HAVEN

Name (Last, First)

STATE POLICE PENNSYLVANIA TROOP L. SCHUYLKILL HAVEN

Current Job Title

1070 S. ROUTE 183, SCHUYLKILL HAVEN

Current Work Address

SCHUYLKILL HAVEN PENNSYLVANIA 17972

City, County, State, Zip Code

Defendant 2:

TYMCHYSHYN BRADLEY

Name (Last, First)

PENNSYLVANIA STATE POLICE TROOPER SCHUYLKILL HAVEN

Current Job Title

1070 S. ROUTE 183

Current Work Address

SCHUYLKILL HAVEN PENNSYLVANIA 17972

City, County, State, Zip Code

Defendant 3:

LEIB, THOMAS / JOHN DOE

Name (Last, First)

SERGEANT, COMMISSIONER, SUPERVISOR

PA STATE POLICE
TROOP L. SCHUYLKILL HAVEN

Current Job Title

1070 S. ROUTE 183

Current Work Address

SCHUYLKILL HAVEN PENNSYLVANIA, 17972

City, County, State, Zip Code

Defendant 4:

COUNTY OF SCHUYLKILL

Name (Last, First)

DISTRICT ATTORNEY'S OFFICE.

Current Job Title

401 NORTH 2ND STREET

Current Work Address

POTTSVILLE PENNSYLVANIA 17901

City, County, State, Zip Code

Defendant 5:

~~REDACTED~~ D'PAKE MICHAEL

Name (Last, First)

DISTRICT ATTORNEY SCHUYLKILL COUNTY

Current Job Title

401 NORTH 2ND STREET

Current Work Address

POTTSVILLE PENNSYLVANIA 17901

City, County, State, Zip Code

Defendant **6**

HOSTETTER SHELBY

Name (Last, First)

ASSISTANT DISTRICT ATTORNEY SCHUYLKRA COUNTY

Current Job Title

401 NORTH 2ND STREET

Current Work Address

POTTSMILLE PENNSYLVANIA 17901

City, County, State, Zip Code

Defendant **7**

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant **8**

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant **9**

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

III. STATEMENT OF FACTS SEE ALSO EXHIBIT (A) COMPLAINT.

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

ON OR ABOUT OCTOBER 9, 2019 PLAINTIFF ANDY CXENRIDER WAS ARRESTED BY REPRESENTATIVES OF THE DEFENDANT STATE POLICE IN SCHUYLKIN COUNTY PA, AND WAS CHARGED WITH POSSESSION OF A CONTROLLED SUBSTANCE, A CRIME HE DID NOT COMMIT, PLAINTIFF WAS INCARCERATED IN SCHUYLKIN COUNTY PRISON'S SEE EXHIBIT (A) 19-47 PLAINTIFF SPENT APPROXIMATELY A TOTAL OF 333 DAYS INCARCERATION

B. On what date did the events giving rise to your claim(s) occur?

ON MARCH 2, 2023 THE CHARGE/CASE WAS DISMISSED UPON ORDER OF COURT BY PRESIDENT JUDGE JAGLYN RUSSEL IN THE SCHUYLKIN COUNTY COURT OF COMMON PLEAS,

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?) ALSO SEE EXHIBIT (A) COMPLAINT.

AFTER THE AFORMENTIONED ARREST OF PLAINTIFF ANDY CXENRIDER DEFENDANT TROOPER BRADLEY TYMCHYSZYN MALICIOUSLY AND WITHOUT PROBABLE CAUSE, WENT BEFORE SERGEANT COMMISSIONER JOHN DOE THOMAS LEIB, OF THE TROOP L. SCHUYLKIN HAVEN PA, STATE POLICE DEPARTMENT AND DISTRICT MAGISTRATE 21-3-04 DAVID J. ROSSI, A PERSON DULY AUTHORIZED TO ADMINISTER OATHS, CHARGED PLAINTIFF CXENRIDER FOR A CRIME HE DID NOT COMMIT, WHILE DEFENDANTS SHELBY G. HOSTETTER ASSISTANT DISTRICT ATTORNEY AND MICHAEL A. O'PAKE DISTRICT ATTORNEY OF SCHUYLKIN COUNTY DISTRICT ATTORNEY'S OFFICE, THERE UPON PROCEEDED TO CAUSE, ALLOW AND PERMIT THE DESCRIBED PROCESS TO BE ISSUED AND THEREAFTER FILED AGAINST PLAINTIFF AT THE SCHUYLKIN COUNTY COURT OF COMMON PLEAS, DEFENDANTS ACTED WILFULLY KNOWINGLY, AND PURPOSFULLY WITH THE SPECIFIC INTENT TO DEPRIVE PLAINTIFF CXENRIDER OF HIS RIGHT TO FREEDOM FROM ILLEGAL SEIZURE OF HIS PERSON FREEDOM FROM UNLAWFUL ARREST WITHOUT EVIDENCE IN SUPPORT THEREOF AND FREEDOM FROM ILLEGAL DETENTION AND IMPRISONMENT, CONSTITUTING SLANDER AND DEFAMATION OF PLAINTIFF'S CHARACTER, INVASION OF PRIVACY FALSE ARREST AND IMPRISONMENT MALICIOUS PROSECUTION, ABUSE OF PROCESS PRIMA FACIA TORT, NEGLIGENCE AND GROSS NEGLIGENCE.

IV. LEGAL CLAIM(S) SEE ALSO APPENDIX (A)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

THE ACTS OF THE DEFENDANTS HEREIN INCLUDING BUT NOT LIMITED TO
COUNTY AND STATE SUED AS A PERSON, WERE DONE WITH THE PURPOSE AND
INTENT OF DEPRIVING PLAINTIFF OF RIGHTS TO BE FREE FROM UNREASONABLE
SEIZURE SECURED TO HIM BY THE UNITED STATES CONSTITUTION, INCLUDING
BUT NOT LIMITED TO, HIS FIRST AMENDMENT RIGHT TO FREEDOM OF EXPRESSION,
(1) HIS FOURTH AMENDMENT RIGHT TO BE FREE FROM UNLAWFUL SEIZURE
OF HIS PERSON (2) HIS FIFTH AND FOURTEENTH AMENDMENT RIGHTS TO
DUE PROCESS OF LAW, INCLUDING HIS RIGHT TO BE FREE FROM
UNJUSTIFIED CRIMINAL PROSECUTION BY POLICE AND PROSECUTORS AND
LACK OF PROBABLE CAUSE TO ARREST AND HIS EIGHTH AMENDMENT RIGHT
TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT, THE ACTS
CONSTITUTE, SLANDER, DEFAMATION OF CHARACTER, INVASION OF PRIVACY, FALSE ARREST
FALSE IMPRISONMENT, MALICIOUS PROSECUTION, ABUSE OF PROCESS, PRIMA FACIE TORT,
CONSPIRACY TORT NEGLIGENCE, AND GROSS NEGLIGENCE UNDER THE LAWS OF
PENNSYLVANIA, THIS COURT HAS PENDANT JURISDICTION TO HEAR AND ADJUDICATE THESE CLAIMS.

V. INJURY

SEE APPENDIX (A) 45.

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

AS A RESULT PLAINTIFF HAS SUFFERED FROM PSYCHOLOGICAL HARM, MENTAL DISTRESS,
EMBARRASSMENT, DEFIMATION OF HIS CHARACTER AND REPUTATION, UNDERWENT EXTREME
SHOCK AND NERVOUSNESS, UNDERWENT PSYCHOLOGICAL TREATMENT, PSYCHIATRIC
CARE AND LOST GREAT SUMS OF MONEY AND WILL CONTINUE TO LOSE GREAT SUMS
RELIEF OF MONEY BY REASON OF HIS INCARCERATION. HE WAS PREVENTED FROM
ATTENDING HIS USUAL DUTIES, AND HELD TO PUBLIC SCORN.


State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

1. AWARD PLAINTIFF OVERSICER COMPENSATORY DAMAGES IN AN AMOUNT
TO BE DETERMINED AT TRIAL AGAINST ALL DEFENDANTS, BUT NOT LESS THAN
THE AMOUNT OF \$150,000.00, JOINTLY AND SEVERALLY AGAINST DEFENDANTS
FOR MATTERS ALLEGED IN THIS COMPLAINT SEE ALSO APPENDIX (A) RELIEF
REQUESTED.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff

MAY 30, 2023

Date

IN THE UNITED STATES COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDY J. OXENRIDER
PLAINTIFF

CIVIL NO.

VS.

DEMAND FOR TRIAL

PENNSYLVANIA STATE POLICE

TROOP L. SCHUYLKILL HAVEN

TPR. BRADLEY TYMCZYSHYN

JOHN DOE/THOMAS LEIB

SCHUYLKILL County DISTRICT ATTORNEY

MICHAEL A O'PAKE

SHELBY G. HOSTETTER

INTRODUCTORY STATEMENT

1. THIS IS AN ACTION FOR DAMAGES SUSTAINED BY A CITIZEN OF THE UNITED STATES, AGAINST POLICE OFFICERS OF THE PENNSYLVANIA STATE POLICE DEPARTMENT TROOP L. SCHUYLKILL HAVEN AND SCHUYLKILL COUNTY DISTRICT ATTORNEYS WHO UNLAWFULLY ARRESTED, FALSELY IMPRISONED, MALICIOUSLY PROSECUTED AND HARRASSED HIM, AGAINST POLICE COMMISSIONER AND DISTRICT ATTORNEYS AS SUPERVISORY OFFICERS RESPONSIBLE FOR THE CONDUCT OF THE DEFENDANTS AND FOR FAILURE TO TAKE CORRECTIVE ACTION WITH RESPECT TO POLICE AND PROSECUTOR PERSONNEL.

EXHIBIT (A) Pg 10 of 19

TO ASSURE PROPER TRAINING AND SUPERVISION OF THE PERSONNEL,
OR TO IMPLEMENT MEANINGFUL PROCEDURES TO DISCOURAGE LAWLESS
OFFICIAL CONDUCT AND AGAINST THE COUNTY OF SCHUYLKILL AND
STATE OF PENNSYLVANIA AS THE EMPLOYERS OF THE DISTRICT
ATTORNEYS AND OF THE POLICE PERSONEL, WHICH IS SUED
AS A PERSON UNDER 42 U.S.C. 1983

COMPLAINT

2. THIS IS AN ACTION OF LAW A CIVIL ACTION AUTHORIZED BY
42 U.S.C SECTION 1983 TO REDRESS THE DEPREVIATION UNDER
THE COLOR OF STATE LAW, STATUE, CUSTOM OR USAGE OF RIGHT
PRIVILEGE AND IMMUNITY SECURED TO PLAINTIFF ANDY OKENRIAGE
BY THE 4TH, 5TH, 8TH, AND 14 AMENDMENT TO THE UNITED
STATES CONSTITUTION AND ARISING UNDER THE LAWS AND
STATUTES OF THE STATE OF PENNSYLVANIA.

JURISDICTION

3. THIS ACTION IS BROUGHT PURSUANT TO 42 U.S.C 1983
AND 1988 AND THE FIRST, FOURTH, FIFTH, EIGHTH AND
FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

4. THE JURISDICTION OF THIS COURT IS INVOKED UNDER
28 U.S.C. 1343 (3) AND (4) AND 1331.

PARTIES

5. DURING ALL TIMES MENTIONED IN THIS COMPLAINT, PLAINTIFF ANDY OXENRIDER WAS AND STILL IS A CITIZEN OF THE UNITED STATES AND RESIDED AT 319 NORTH STREET WILLIAMSTOWN PENNSYLVANIA 17098, PLAINTIFF ANDY OXENRIDER IS PRESENTLY INCARCERATED IN THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS, SCT HOUTZDALE P.O. BOX 1000 209 INSTITUTION DRIVE HOUTZDALE PA. 16698.

6. AT ALL TIMES HEREIN MENTIONED BRADLEY TYMCHYSKYN WAS A TROOPER WITH THE PENNSYLVANIA STATE POLICE, DEFENDANT JOHN DOE WAS SERGEANT, COMMISSIONER, SUPERVISOR WITH THE PENNSYLVANIA STATE POLICE TROOP L, SCHUYLKILL HAVEN,

7. AT ALL TIMES MENTIONED HEREIN DEFENDANT MICHAEL A. O'PAKE, WAS DULY ELECTED AND PRESENTLY ACTING DISTRICT ATTORNEY OF SCHUYLKILL COUNTY PENNSYLVANIA AND SHELBY G. HOSTETTER WAS DULY SPECIALLY APPOINTED AND PRESENTLY ACTING ASSISTANT DISTRICT ATTORNEY OF SCHUYLKILL COUNTY PENNSYLVANIA, AND BOTH WERE ACTING UNDER THE COLOR OF STATUTES AND ORDINANCES OF THE STATE OF PENNSYLVANIA.

EXHIBIT (A) Pg 3 of 19

8. AT ALL TIMES RELEVANT HERETO DEFENDANT BRADLEY TYMCHYSKYN WAS A POLICE OFFICER EMPLOYED BY THE PENNSYLVANIA STATE POLICE DEPARTMENT TO PERFORM DUTIES IN THE STATE OF PENNSYLVANIA AND WAS ASSIGNED TO THE TROOP L. SCHUYLKILL HAVEN BARRACKS PATROL UNIT, AT ALL TIMES RELEVANT HE WAS ACTING IN SUCH CAPACITY AS THE AGENT SERVANT AND EMPLOYEE OF THE DEFENDANT STATE OF PENNSYLVANIA, HE IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY.

9. AT ALL RELEVANT TIMES HERETO DEFENDANT JOHN DOE WAS THE DULY APPOINTED COMMISSIONER, SARGEANT, SUPERVISOR OF THE PENNSYLVANIA STATE POLICE DEPARTMENT TROOP L. SCHUYLKILL HAVEN STATION AS SUCH HE WAS THE COMMANDING OFFICER OF DEFENDANT TROOPER BRADLEY TYMCHYSKYN AND WAS RESPONSIBLE FOR THEIR TRAINING, SUPERVISION AND CONDUCT. HE WAS ALSO RESPONSIBLE BY LAW FOR ENFORCING THE REGULATIONS OF THE STATE POLICE TROOP L. SCHUYLKILL HAVEN POLICE DEPARTMENT AND FOR ENSURING THAT STATE POLICE PERSONEN OBEY THE LAWS OF THE STATE OF PENNSYLVANIA AND OF THE UNITED STATES. AT ALL RELEVANT TIMES HE WAS ACTING IN SUCH CAPACITY AS THE AGENT, SERVANT AND EMPLOYEE OF THE DEFENDANT STATE OF PENNSYLVANIA. HE IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY.

EXHIBIT (A)
Pg 4 of 19

10. DEFENDANT SHELBY G. HOSTETTER WAS AN ASSISTANT DISTRICT ATTORNEY SCHUYLKIN COUNTY EMPLOYED BY THE SCHUYLKIN COUNTY DISTRICT ATTORNEYS OFFICE TO PERFORM DUTIES IN THE COUNTY OF SCHUYLKIN AND WAS ASSIGNED AS ASSISTANT DISTRICT ATTORNEY. AT ALL TIMES SHE WAS ACTING IN SUCH CAPACITY AS THE AGENT, SERVANT AND EMPLOYEE OF THE DEFENDANT COUNTY OF SCHUYLKIN, SHE IS SUED INDIVIDUALLY AND IN HER OFFICIAL CAPACITY.

11. DEFENDANT MICHAEL A. O'PAKE WAS APPOINTED DISTRICT ATTORNEY OF THE SCHUYLKIN COUNTY DISTRICT ATTORNEY DEPARTMENT AS SUCH HE WAS THE SUPERVISORY COMMANDING DISTRICT ATTORNEY OF DEFENDANT ASSISTANT DISTRICT ATTORNEY SHELBY G. HOSTETTER AND WAS RESPONSIBLE FOR HER TRAINING, SUPERVISION, AND CONDUCT, SHE WAS ALSO RESPONSIBLE BY LAW FOR ENFORCING THE REGULATIONS OF THE SCHUYLKIN COUNTY DISTRICT ATTORNEY DEPARTMENT AND FOR ENSURING THAT SCHUYLKIN COUNTY DISTRICT ATTORNEY PERSONNEL OBEY THE LAWS OF THE STATE OF PENNSYLVANIA AND OF THE UNITED STATES. AT ALL RELEVANT TIMES HE WAS ACTING IN SUCH CAPACITY AS THE AGENT, SERVANT AND EMPLOYEE OF THE DEFENDANT COUNTY OF SCHUYLKIN, HE IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY.

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12. THE DEFENDANT STATE OF PENNSYLVANIA IS A STATE CORPORATION WITHIN THE UNITED STATES OF AMERICA AND AT ALL TIMES IT EMPLOYED DEFENDANTS TROOPER BRADLEY TYMCHYSHYN AND SARGEANT, SUPERVISOR, COMMISSIONER JOHN DOE.

13. DEFENDANT COUNTY OF SCHUYLKIN IS A MUNICIPAL CORPORATION WITHIN THE STATE OF PENNSYLVANIA AND AT ALL TIMES RELEVANT IT EMPLOYED DEFENDANTS SHELBY G. HOSTETTER AND MICHAEL A O'PAKE.

14. AT ALL TIMES RELEVANT HERETO AND IN ALL THERE ACTIONS DESCRIBED HEREIN, DEFENDANTS BRADLEY TYMCHYSHYN AND JOHN DOE WERE ACTING UNDER COLOR OF LAW PURSUANT TO THEIR AUTHORITY AS POLICE PERSONNEL.

15. IN ALL THEIR ACTIONS DESCRIBED HEREIN DEFENDANTS SHELBY G. HOSTETTER AND MICHAEL A. O'PAKE WERE ACTING UNDER COLOR OF LAW AND PURSUANT TO THEIR AUTHORITY AS DISTRICT ATTORNEY PERSONNEL.

16. DURING ALL TIMES MENTIONED HEREIN, THE DEFENDANTS AND EACH OF THEM, SEPARATELY AND IN CONCERT ACTED UNDER COLOR AND PRETENSE OF LAW, TO WIT, UNDER COLOR OF THE STATUTES, CUSTOMS, AND USAGES OF THE STATE OF PENNSYLVANIA.

EXHIBIT (A)
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EACH OF THE DEFENDANTS HERE, SEPARATELY AND IN CONCERT ENGAGED IN THE ILLEGAL CONDUCT HERE MENTIONED TO THE INJURY OF PLAINTIFF ANDY OXENRIDER AND DEPRIVED PLAINTIFF ANDY OXENRIDER OF THE RIGHTS, PRIVILEGES AND IMMUNITIES SECURED TO PLAINTIFF ANDY OXENRIDER BY THE 4TH, 5TH, 8TH AND FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND LAWS OF THE UNITED STATES.

FACTUAL ALLEGATIONS

17. ON OR ABOUT OCTOBER 9, 2019 PLAINTIFF ANDY OXENRIDER WAS ARRESTED BY DEFENDANT PENNSYLVANIA STATE TROOPER BRADLEY TYMCHYSZYN AND CHARGED WITH POSSESSION OF A CONTROLLED SUBSTANCE IN WHICH THERE WERE NO POSITIVE TESTS OBTAINED PERTAINING TO THE ALLEGED CONTROLLED SUBSTANCE.

18. PLAINTIFF ANDY OXENRIDER WAS EVENTUALLY COMMITTED TO THE SCHUYLKIN COUNTY PRISON ON NUMEROUS WARRENTS ON SAID CHARGE WHERE ^{HE} WAS ^{HE} INCARCERATED FOR APPROXIMATELY 333 DAYS.

19. PLAINTIFF OXENRIDER, BELIEVES AND ON SUCH BELIEF ALLEGES, THAT HIS ARREST WAS ORDERED AND DIRECTED BY DEFENDANT TROOPER BRADLEY TYMCHYSZYN.

EXHIBIT (A) Pg 7 of 19

20. PLAINTIFF ALLEGES, THAT HIS ARREST WAS ORDERED AND DIRECTED BY DEFENDANT TROOPER BRADLEY TYMCHYSHYN

21. PLAINTIFF, ALLEGES THAT HIS ARREST WAS APPROVED BY DEFENDANT JOHN DOE.

22. PLAINTIFF ANDY OXENRIDER, ALLEGES THAT HIS ARREST AND PROSECUTION WAS APPROVED BY DEFENDANTS SHELBY G. HOSTETTER AND MICHAEL A. O'PAKE OR IN THE ALTERNATIVE, THAT HIS ARREST WAS RATIFIED BY DEFENDANT SHELBY G. HOSTETTER AND MICHAEL A. O'PAKE AS PART OF DEFENDANT'S INVESTIGATION AND PROSECUTION OF THE CRIME.

23. ON OR ABOUT OCTOBER 15, 2019 DEFENDANT TROOPER BRADLEY TYMCHYSHYN MALICIOUSLY AND WITHOUT PROBABLE CAUSE WENT BEFORE DAVID J. ROSSI, MAGISTRATE AND CHARGED PLAINTIFF ANDY OXENRIDER WITH HAVING COMMITTED A CRIME. DEFENDANT TROOPER BRADLEY TYMCHYSHYN CAUSED A WARRANT TO BE ISSUED FOR THE ARREST OF PLAINTIFF ANDY OXENRIDER KNOWING THAT THEY COULD NOT GET A POSITIVE READING OF THE SUSPECTED CONTROLLED SUBSTANCE,

24. PLAINTIFF WAS ARRESTED UNDER THIS WARRANT AND WAS TAKEN TO THE SCHUYLKIN COUNTY PRISON. PLAINTIFF WAS IMPRISONED FOR AN APPROXIMATE TOTAL OF 333 DAYS THEN HELD ON BAIL SUM OF \$5,000

EXHIBIT (B)
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25 ON MARCH 2, 2023 THE CASE WAS DISMISSED
ACTION NUMBER CP-54-CR-2120-2019 UPON ORDER OF
COURT BY SCHUYLKIN COUNTY PRESIDENT JUDGE
JAGLYN RUSSELL IN THE SCHUYLKIN COUNTY COURT OF
COMMON PLEAS,

26. THE DEFENDANTS INDIVIDUALLY AND COLLECTIVELY KNEW
OR SHOULD HAVE KNOWN AT THE TIME OF PLAINTIFF ANDY
OXENRIEDER'S ARREST, AND AT ALL TIMES SINCE THEN, OF THE
EXISTANCE OF EVIDENCE PROVING PLAINTIFF ANDY OXENRIEDER'S
INNOCENCE OF THE CRIME WITH WHICH HE HAS BEEN CHARGED.
TESTS DID NOT SHOW POSITIVE ANY ILLEGAL SUBSTANCE.

27. THE DEFENDANTS INDIVIDUALLY AND COLLECTIVELY KNEW
OR SHOULD HAVE KNOWN AT THE TIME OF PLAINTIFF
OXENRIEDER'S ARREST AND AT ALL TIMES SINCE THEN THAT
PHYSICAL EVIDENCE THEY HAD COLLECTED PER-SE (NIZ TEST)
IN CONNECTION WITH THE CHARGES BROUGHT AGAINST THE
PLAINTIFF WAS INCONSISTANT WITH HIS GUILT

28. THE DEFENDANTS CONSPIRED TOGETHER TO VIOLATE THE
DUE PROCESS AND OTHER CIVIL RIGHTS OF THE PLAINTIFF AND
TO CHARGE HIM WITH A CRIME WHICH HE DID NOT COMMIT
AND WHICH THE DEFENDANTS SHOULD HAVE RECOGNIZED
HE DID NOT COMMIT.

EXHIBIT (A) Pg 9 of 19

29. THE DEFENDANTS TROOPER BRADLEY TYMCHYSKYN WRONGFULLY UNLAWFULLY AND WITHOUT ANY WARRENT OR AUTHORITY OF LAW SEARCHED, SEIZED, ARRESTED, FALSLY DETAINED AND IMPRISONED HIM AGAINST HIS WILL.

30. THE CHARGE THAT PLAINTIFF ANDY OXENRIDER POSSESSED DRUGS OR AN ILLEGAL SUBSTANCE WAS WHOLELY UNTRUE AND FALSE.

31. THE DEFENDANTS COULD HAVE ASCERTAINED THE FALSITY OF THE CHARGE HAD THE DEFENDANTS EXERCISED REASONABLE DILIGENCE IN PERFORMING THEIR DUTIES AND NOT NEGLECTED TO MAKE REASONABLE AND NECESSARY FACTUAL INVESTIGATION OF THE AFORMENTIONED CHARGE.

32. AFTER THE AFORMENTIONED ARREST OF THE ~~PLAINTIFF~~ PLAINTIFF ANDY OXENRIDER DEFENDANT TROOPER BRADLEY TYMCHYSKYN ON OR ABOUT OCTOBER 10, 2019 MALICIOUSLY AND WITHOUT PROBABLE CAUSE THEREFOR, WENT BEFORE A SERGEANT JOHN DOE, OF THE TROOP L. SCHUYLKIN HAVEN STATE POLICE DEPARTMENT AND DISTRICT MAGISTRATE 21-3-04 DAVID J. ROSSI, A PERSON DULY AUTHORIZED TO ADMINISTER OATHS, AND CHARGED PLAINTIFF PLAINTIFF OXENRIDER WITH POSSESSION OF A CONTROLLED SUBSTANCE

EXHIBIT (A) Pg 10 of 19

WHILE DEFENDANTS SHELBY G HOSTETTER ASSISTANT DISTRICT ATTORNEY AND MICHAEL A. O'PAKE DISTRICT ATTORNEY OF THE SCHUYLKILL COUNTY DISTRICT ATTORNEY'S OFFICE AND PENNSYLVANIA STATE POLICE PERSONNEL, DEFENDANT COUNTY AND STATE, THEREUPON PROCEEDED TO CAUSE, ALLOW AND PERMIT THE HEREIN BEFORE DESCRIBED PROCESS TO BE ISSUED AND THEREAFTER FILED AGAINST PLAINTIFF ANDY OXENRIDER AT THE COMMON PLEAS COURT IN THE COUNTY OF SCHUYLKILL CAUSING RESTRICTIONS ON PLAINTIFF OXENRIDERS LIBERTY,

33. THE AFORESAID CHARGES WERE TERMINATED IN FAVOR OF PLAINTIFF ANDY OXENRIDER BY ORDER OF DISMISSAL BY JUDGE JAQUIN RUSSEL OF THE SCHUYLKILL COUNTY COMMON PLEAS COURT DATED MARCH 2, 2023.

34. AS A RESULT OF THE MISCONDUCT HEREIN BEFORE DESCRIBED PLAINTIFF OXENRIDER WAS SUBJECTED TO AND EXPERIENCED HUMILIATION, EMOTIONAL DISTRESS, PAIN AND SUFFERING AND INCURRED EXPENSES WHICH WERE LODGED AGAINST HIM

35. THE ABUSE TO WHICH PLAINTIFF OXENRIDER WAS SUBJECTED, WAS CONSISTANT WITH AN INSTITUTIONALIZED SCHUYLKILL HAVEN PENNSYLVANIA STATE POLICE DEPARTMENT WHICH WAS KNOWN TO

EXHIBIT (A) Pg. 11 of 19

AND RATIFIED BY DEFENDANT'S STATE AND COUNTY, THE DEFENDANTS HAVING AT NO TIME TAKEN EFFECTIVE ACTION TO PREVENT STATE POLICE PERSONEL AND COUNTY PROSECUTORS FROM CONTINUING TO ENGAGE IN SUCH MISCONDUCT.

36. DEFENDANTS STATE AND COUNTY HAD PRIOR NOTICE OF THE VICIOUS PROPENSITIES OF THE DEFENDANTS, BUT TOOK NO STEPS TO TRAIN THEM, CORRECT THERE ABUSE OF AUTHORITY OR TO DISCOURAGE THEIR UNLAWFUL USE OF AUTHORITY. THE FAILURE TO PROPERLY TRAIN THE DEFENDANTS INCLUDED THE FAILURE TO INSTRUCT THEM IN THE APPLICABLE PROVISIONS OF THE PENNSYLVANIA STATE PENAL LAWS.

37. DEFENDANTS COUNTY AND STATE AUTHORIZED, TOLERATES AS INSTITUTIONALIZED PRACTICES AND RATIFIED THE MISCONDUCT HEREBEFORE DETAILED BY:

(A) FAILING TO PROPERLY DISCIPLINE, RESTRICT AND CONTROL EMPLOYEES, INCLUDING DEFENDANTS KNOWN TO BE IRRESPONSIBLE IN THERE DEALINGS WITH CITIZENS OF THE COMMUNITY.

(B) FAILING TO ESTABLISH AND/OR ASSURE THE FUNCTIONING OF A BENEFIDE AND MEANINGFULL DEPARTMENTAL SYSTEM FOR DEALING WITH BUREAUCRATIC POWER AND OFFICIAL DENIALS

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CALCULATED TO MISLEAD THE PUBLIC. THIS CONDUCT ALSO CONSTITUTES GROSS NEGLIGENCE UNDER STATE LAW

(C) FAILING TO FORWARD TO THE OFFICE OF THE DISTRICT ATTORNEY OF SCHUYLKIN COUNTY EVIDENCE OF CRIMINAL ACTS COMMITTED BY POLICE PERSONEL.

41. AS A CONSEQUENCE OF THE ABUSE OF AUTHORITY DETAILED ABOVE, PLAINTIFF ANDY OXENRIDER SUSTAINED THE DAMAGES HEREIN BEFORE ALLEGED.

CAUSES OF ACTION

38. EACH OF THE DEFENDANTS SEPARATELY AND IN CONCERT ACTED OUTSIDE THE SCOPE OF THEIR JURISDICTION AND AUTHORITY AND WITHOUT AUTHORIZATION OF LAW AND EACH OF THE DEFENDANTS SEPARATELY AND IN CONCERT ACTED WILFULLY, KNOWINGLY AND PURPOSFULLY WITH THE SPECIFIC INTENT TO DEPRIVE PLAINTIFF OXENRIDER OF HIS RIGHT TO FREEDOM FROM ILLEGAL SEIZURE OF HIS PERSON, FREEDOM FROM UNLAWFUL ARREST WITHOUT EVIDENCE IN SUPPORT THEREOF, AND FREEDOM FROM ILLEGAL DETENTION AND IMPRISONMENT.., ALL OF THESE RIGHTS ARE SECURED TO PLAINTIFF OXENRIDER, BY THE PROVISIONS OF THE DUE PROCESS CLAUSE OF THE FIFTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES AND BY 42 U.S.C. 1983.

EXHIBIT (A)
Pg. 13 of 19

39. THE ACTS OF THE DEFENDANTS HEREIN WERE DONE WITH THE PURPOSE AND INTENT OF DEPRIVING PLAINTIFF OXENRIDER OF HIS RIGHT TO BE FREE FROM UNREASONABLE SEIZURE SECURED TO HIM UNDER THE ~~4~~ FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND OF HIS RIGHT NOT TO BE DEPRIVED OF LIBERTY WITHOUT DUE PROCESS OF LAW IN VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

40. SOLELY DUE TO THE ACTIONS OF THE DEFENDANTS HEREIN THE PLAINTIFF WAS UNLAWFULLY SEIZED AND UNLAWFULLY IMPRISONED AND DETAINED, ALL WITHOUT A WARRANT WITHOUT PROBABLE CAUSE AND WITHOUT CAUSE WHATSOEVER,

41. AS A DIRECT AND PROXIMATE RESULT OF THE AFORESAID ACTS PLAINTIFF ANDY OXENRIDER SUFFERED GREAT MENTAL ANGUISH, FROM THEN UNTIL NOW AND HE WILL CONTINUE TO SUFFER IN THE FUTURE; AND HAS LOST AND WILL LOSE GREAT SUMS OF MONEY BY REASON OF HIS INCARCERATION AND HAVING BEEN GREATLY HUMILIATED AND HELD TO PUBLIC SCORN AND DERISION AS A RESULT OF THE FOREGOING ACTS OF THE DEFENDANTS.

EXHIBIT (A) Pg. 14 of 19

41. PLAINTIFF WILL BE FORCED TO INCUR SUBSTANTIAL OBLIGATIONS FOR ATTORNEYS FEES, INVESTIGATION EXPENSES, AND OTHER EXPENSES IN THIS CIVIL SUIT BECAUSE OF THE UNFOUNDED AND UNWARRENTED PROSECUTION BY THE DEFENDANTS, AGAINST PLAINTIFF OXENRIEDER WHICH WILL BE A SERIOUS FINANCIAL BURDEN ON HIM

FEDERAL CAUSES OF ACTION

42. THE HEREINABOVE DESCRIBED ACTIONS AND OMISSIONS ENGAGED IN UNDER THE COLOR OF STATE AUTHORITY BY THE DEFENDANTS AND INCLUDING DEFENDANT COUNTY AND STATE, SUED AS A PERSON, RESPONSIBLE BECAUSE OF ITS AUTHORIZATION, CONDONATION AND RATIFICATION THEREOF FOR THE ACTS OF ITS AGENTS, DEPRIVED THE PLAINTIFF OF RIGHTS SECURED TO HIM BY THE CONSTITUTION OF THE UNITED STATES, INCLUDING, BUT NOT LIMITED TO, HIS FIRST AMENDMENT RIGHT TO FREEDOM OF EXPRESSION, HIS FOURTH AMENDMENT RIGHT TO BE FREE FROM UNLAWFUL SEIZURE OF HIS PERSON, HIS FIFTH AND FOURTEENTH AMENDMENT RIGHTS TO DUE PROCESS OF LAW, INCLUDING HIS RIGHT TO BE FREE FROM UNJUSTIFIED CRIMINAL PROSECUTION BY POLICE AND PROSECUTORS, AND LACK OF PROBABLE CAUSE TO ARREST AND HIS EIGHTH AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.

EXHIBIT (A)
Pg. 15 of 19

PENDANT CAUSES OF ACTION

44 ~~45~~ THE ACTS AND CONDUCT HEREINBEFORE ALLEGED CONSTITUTE SLANDER AND DEFAMATION OF PLAINTIFFS CHARACTER, INVASION OF PRIVACY, FALSE ARREST AND IMPRISONMENT, MALICIOUS PROSECUTION ABUSE OF PROCESS, PRIMA FACIA TORT, CONSPIRACY TORT, NEGLIGENCE AND GROSS NEGLIGENCE UNDER THE LAWS OF THE STATE OF PENNSYLVANIA, THIS COURT HAS PENDANT JURISDICTION TO HEAR AND ADJUDICATE THESE CLAIMS.

45, AS A RESULT OF THE FALSE ARREST AND IMPRISONMENT, MALICIOUS PROSECUTION, ABUSE OF PROCESS, INVASION OF PRIVACY, PRIMA FACIA TORT, CONSPIRACY TORT, NEGLIGENCE AND GROSS NEGLIGENCE, PLAINTIFF BEING A CITIZEN OF THE UNITED STATES, WAS SUBJECT TO DEPRIVATIONS OF HIS RIGHTS, PRIVILEGES AND IMMUNITIES SECURED BY THE CONSTITUTION OF THE UNITED STATES AND THE LAWS OF THE UNITED STATES, SUSTAINED DEPRIVATIONS OF HIS PERSONAL LIBERTY, INVASIONS OF HIS PRIVACY AND VIOLATIONS OF HIS CIVIL RIGHTS, HAS SUFFERED FROM PSYCHOLOGICAL HARM, MENTAL DISTRESS, HUMILIATION, EMBARRASSMENT AND DEFIMATION OF HIS CHARACTER AND REPUTATION, UNDERWENT EXTREME SHOCK AND NERVOUSNESS, UNDERWENT PSYCHOLOGICAL TREATMENT AND PSYCHIATRIC CARE, AND WAS PREVENTED FROM ATTENDING TO HIS USUAL DUTIES...

EXHIBIT (A)
Pg. 16 of 19

THE DEFENDANTS HAVE UNREASONABLY FAILED, NEGLECTED AND REFUSED TO SETTLE, COMPROMISE OR ADJUST THE CAUSES OF PLAINTIFF ANDY OXENRIDER HERRIN, AND AS A RESULT OF THE FOREGOING, PLAINTIFF HAS FURTHER BEEN DAMAGED AND DEMANDS REASONABLE ATTORNEY'S FEES PURSUANT TO 42 U.S.C. 1983 AND 1988.

RELIEF REQUESTED

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT:

1. AWARD TO PLAINTIFF OXENRIDER COMPENSATORY DAMAGES IN AN AMOUNT TO BE DETERMINED AT TRIAL, BUT NOT LESS THAN THE AMOUNT OF \$150,000.00, JOINTLY AND SEVERALLY AGAINST DEFENDANTS FOR THE MATTERS ALLEGED IN THIS COMPLAINT;
2. AWARD TO PLAINTIFF NOMINAL AND PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED AT TRIAL AGAINST ALL DEFENDANTS EXCEPT DEFENDANT MUNICIPALITY.
3. AWARD TO PLAINTIFF REASONABLE COSTS AND ATTORNEYS FEES.

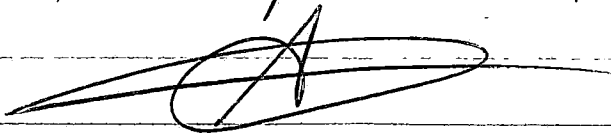
EXHIBIT (A)
Pg. 17 of 19

4. GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT
DEEM JUST AND PROPER

DEMAND FOR TRIAL BY JURY

PURSUANT TO RULE 38 (B) OF THE FEDERAL RULES OF CIVIL
PROCEDURE, PLAINTIFF HEREBY DEMANDS TRIAL BY JURY IN
THIS ACTION FOR ALL ISSUES SO TRIABLE.

RESPECTFULLY SUBMITTED,



ANDY J. OXENRIDER

PRO-SE PLAINTIFF

QP3860

SCI HOUTZDALE

209 INSTITUTION DRIVE


P.O. Box 1000

DATE 1 May 30 2023 HOUTZDALE PA. 16698

EXHIBIT (A) Pg. 18 of 19

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY
THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS
TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND AS TO
THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY
UNDER PURSURY THAT THE FOREGOING IS TRUE
AND CORRECT.



DATE: MAY 30, 2023

ANDY J. OXENRIDER
PRO SE PLAINTIFF

EXHIBIT (A) Pg. 19 of 19

U.S. DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
P.O. Box 1148
235 N. WASHINGTON AVE.
SCRANTON, PA. 18501-1148

DATE: 5/30/23

RE: 1983 CIVIL COMPLAINT

IN FORMA PAUPERIS

MOTION FOR APPOINTMENT OF COUNSEL

MARITAL FORMS, NOTICE OF LAWSUIT, WAIVER OF ~~SERVICES~~
SERVICE OF SUMMONS, ETC.

TO THE CLERK OF COURT:

PLEASE FIND WITHIN THE ABOVE MENTIONED,
6 COPIES, ONE ORIGINAL AND 3 COPIES FOR FILING
2 COPIES FOR DEFENDANTS. PLEASE MAKE FILE OF
RECORD, WOULD YOU PLEASE ~~PLEASE~~ SEND ONE
TIMESTAMPED DATED COPY BACK TO ME FOR MY
RECORDS, ALONG WITH THE CASE NUMBER...

I THANK YOU KINDLY FOR YOUR, TIME, HELP
AND kindest CONSIDERATION IN THESE MATTERS

I LOOK FORWARD TO HEARING BACK FROM YOU
AT YOUR EARLIEST CONVENIENCE I REMAIN,

VERY RESPECTFULLY,


ANDY OXENRIDER
QP 3860

SCI HOUTZDALE

P.O. BOX 1000

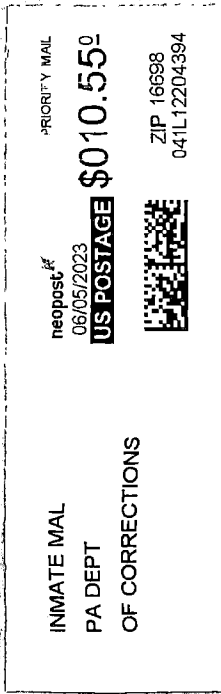
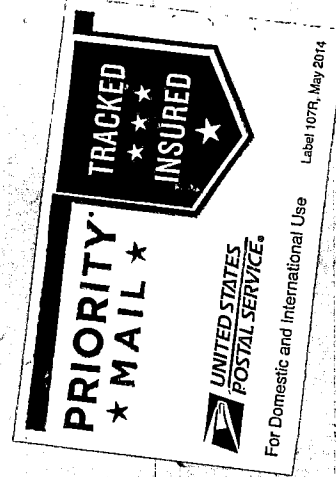
209 INSTITUTION DRIVE

HOUTZDALE PA. 16698-1000

ANDY OXENRIEDER
 QP 3860
 SCF HOUTZDALE
 209 INSTITUTION DRIVE
 P.O. Box 1000
 HOUTZDALE PA. 16698-1000

USMS X-RAY

LEGAL MAIL
 PREVIOUSLY
 MAILED



RECEIVED
 SCRANTON

JUN 08 2023

PER DEPUTY CLERK

U.S. DISTRICT COURT
 MIDDLE DISTRICT OF PENNSYLVANIA
 P.O. Box 1148
 235 N. WASHINGTON AVE
 SCRANTON PA. 18501-1148